

Ethics Advisory Panel
Opinion 92-44, Request #267
Issued July 23, 1992

An attorney seeks Panel advice with regard to the following circumstances. An attorney represented a client in a personal injury claim. The attorney furnished the defendant copies of all the medical information in the attorney's file pursuant to a request for production. In addition, the court ordered the attorney to produce all records which the health care provider had and a statement in writing acknowledging that the attorney did in fact comply with the court's order. The attorney asks whether the compliance with the court's order is ethically appropriate.

The Panel believes that Rule 1.6's comment "Disclosure Otherwise Required Or Authorized" controls this inquiry. The comment states that a "lawyer must comply with the final orders of a court or other tribunal." Rule 3.4 provides in part that a lawyer shall not . . . (a) "unlawfully obstruct another party's access to evidence or unlawfully alter, destroy or conceal a document or other material having potential evidentiary value . . . (c) knowingly disobey an obligation under the rules of a tribunal . . . (d) . . . fail to make reasonably diligent effort to comply with a legally proper discovery request by an opposing party."

The Rules of Professional Conduct specifically mandate that a lawyer must obey a final order from the court.